HC-KAR

NC: 2026:KHC:61229
CRL.P No. 1918 of 2024

CNR: KAHC010112552024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 1918 OF 2024

BETWEEN:

1. SMT. PREMA K.B. @ PREMA KUMARI,
AGED ABOUT 39 YEARS,
W/O. ANANAD B H
SAPTHAGIRI, 2ND CROSS,
SHIVAJI NAGAR,
NEAR CHOWDESWARI TEMPLE
NELAMANGALA,
NELAMANGALA
BENGALURU - 562 123.

2. SMT. ANNAPURNA DEVI,
AGED ABOUT 40 YEARS,
W/O SUNIL KUMAR A.N.
R/AT NO.452, 2ND BLOCK,
7TH CROSS, RT NAGAR,
VTC: BANGALORE NORTH,
PO: R.T.NAGAR
SUB DISTRICT: BANGALORE NORTH,
DISTRICT: BANGALORE,
STATE: KARNATAKA
BENGALURU-560032.

...PETITIONERS

(BY SRI. NATARAJ D., ADVOCATE)

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

AND:

1. STATE OF KARNATAKA
   BY NANDINI LAYOUT POLICE STATION
   BENGALURU,
   REPRESENTED BY
   STATE PUBLIC PROSECUTOR,
   HIGH COURT BUILDING,
   BANGALORE-560001.

2. SMT. DAMINI H.C.
   D/O SHRI. CHIKKA HANUMEGOWDA,
   W/O MANJUNATH K.B.,
   AGED ABOUT 25 YEARS,
   R/AT NO.20, 1ST MAIN,
   3RD CROSS, BYRAVESHWARA NAGAR,
   LAGGERE, NEAR BILVA PATGRE TREE,
   BANGALORE NORTH,
   PEENYA SMALL INDUSTRIES,
   BANGALORE-560058.

…RESPONDENTS

(BY SRI.MAHESHA P., HCGP FOR R-1;
SMT.P.ARCHANA MURTHY, ADVOCATE FOR R-2)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO QUASH THE FIR, COMPLAINT AND CHARGE SHEET AND ANY CONSEQUENTIAL PROCEEDINGS THEREIN ARISING OUT OF FIR IN QUESTION, CR.NO.24/2023 (C.C.NO.10418/2023) REGISTERED AT NANDHINI LAYOUT POLICE STATION, FOR THE OFFENCE 498A, 323 AND 506 R/W 34 OF IPC AND SEC. 3 AND 4 OF D.P. ACT, ON THE FILE OF HONBLE CHIEF METROPOLITAN MAGISTRATE, AT BENGALURU, AGAINST THE PETITIONERS BY ALLOWING THIS PETITION.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 482 of Cr.P.C. to quash the proceedings in C.C.No.10418/2023 arising out of Crime No.24/2023 dated 03.02.2023 filed by the Nandini Layout Police Station, Bengaluru City, against the petitioners and other accused for the offences punishable under Section 498A, 323, 506 r/w 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961 currently pending on the file of Chief Metropolitan Magistrate, Bengaluru.

2. The brief facts of the case are that respondent No.2 lodged the complaint before respondent No.1-Police on 03.02.2023, alleging that her marriage was solemnized with accused no.1 - Manjunath K.B. on 03.02.2020. At the time of marriage, the accused persons demanded dowry in cash and kind, which was duly fulfilled by the parents of respondent No.2. After the marriage, respondent No.2 started residing in the matrimonial home along with accused No.1 and his parents. Initially, the marital relationship was cordial for about 20 days. Thereafter, accused No.1, his parents and these petitioners,

who are the sisters-in-law of respondent No.2, allegedly started subjecting her to physical and mental harassment by demanding additional dowry of Rs.10,00,000/-. Unable to endure the alleged harassment, respondent No.2 left the matrimonial home and started residing at her parental house. It is further alleged that the accused persons did not make any efforts to take her back to the matrimonial home. Subsequently, on 26.07.2022, at about 07:30 a.m., these petitioners allegedly visited the parental house of respondent No.2, picked up a quarrel with her and her parents and also assaulted them. Hence, she lodged the complaint. Based on the said complaint, respondent No.1-Police registered a case in Crime No.24/2023 against the husband, in-laws and these petitioners, arraying the petitioners as accused Nos.4 and 5. Subsequently, after investigation, respondent No.1-Police filed the charge sheet against all the accused persons, including these petitioners. Accordingly, the learned Magistrate took cognizance of the offences. Aggrieved by the same, the petitioners are before this Court.

3. Learned counsel for the petitioners submits that the petitioners, being the sisters-in-law of respondent No.2, are no way connected with the alleged matrimonial dispute between accused Nos.1 to 3 and respondent No.2. It is further submitted that the petitioners are residing separately from the matrimonial home of respondent No.2 and accused Nos.1 to 3. Both the petitioners are married and are residing with their respective matrimonial families. Under such circumstances, the allegations made against the petitioners are bald and omnibus in nature, without any specific overt acts being attributed to them. Hence, continuation of the proceedings against the petitioners would amount to an abuse of the process of Court. Accordingly, he prays to allow the petition.

4. The said prayer is opposed by learned counsel for respondent No.2 and the learned HCGP. They jointly contend that the charge sheet has already been filed against the petitioners and that the statements of the material witnesses disclose the involvement of these petitioners in the alleged harassment of respondent No.2 for additional dowry. They further submit that the charge sheet averments specifically

disclose that these petitioners instigated accused Nos.1 to 3 to subject respondent No.2 to harassment. Under such circumstances, the proceedings against the petitioners cannot be quashed. Accordingly, they seek to dismiss the petition.

5. I have given my anxious consideration both on the submission and perused the charge sheet materials.

6. As could be gathered from the records, the relationship between the petitioners and respondent No.2 is not in dispute. The petitioners are the sisters-in-law of respondent No.2. It is the admitted case of respondent No.2 that the petitioners are residing separately with their respective families. On perusal of the complaint averments, specific allegations are forthcoming against accused Nos.1 to 3 with regard to the demand for dowry at the time of marriage and subsequently for additional dowry. However, except for certain bald and omnibus allegations, no specific instances indicating the date, time, place or manner in which these petitioners allegedly subjected respondent No.2 to harassment are forthcoming from the charge sheet materials. In such circumstances, the Hon'ble Apex Court, in the case of ***K. Subba Rao v. State of***

Telangana, represented by its Secretary, Department of Home and Others, reported in ***2024 INSC 960***, and ***Dara Lakshmi Narayan v. State of Telangana, reported in (2025) 3 SCC 735***, held, in paragraph Nos.25 and 28, as under:

> *"**25**. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularized allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members. In the present case, appellant Nos.2 to 6, who are the members of the family of appellant No.1 have been living in different cities and have not resided in the matrimonial house of appellant No.1 and respondent No.2 herein. Hence, they cannot be dragged into criminal prosecution and the same would be an abuse of the process of the law in the absence of specific allegations made against each of them.*
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> ***28**. The inclusion of Section 498A of the IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and*

> *tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498A of the IPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinized, will lead to the misuse of legal processes and an encouragement for use of arm twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498A of the IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them."*

7. The aforesaid judgment clearly lays down the principle that, in matrimonial disputes, all the relatives of the husband cannot be prosecuted in the absence of specific and distinct allegations against them. In the present case, the allegations made against these petitioners are omnibus in nature, and no *prima facie* case are made out against them. Even if the allegations contained in the charge sheet are taken at their face value and accepted in their entirety, no offence is made out against these petitioners. Hence, I am of the considered opinion that continuation of the proceedings against these petitioners would amount to an abuse of process of Court. Accordingly, I proceed to pass the following:

ORDER

i. The criminal petition is ***allowed***.

ii. The proceedings against the petitioners/accused Nos.4 and 5 in C.C.No.10418/2023 arising out of Crime No.24/2023 dated 03.02.2023 filed by the Nandini Layout Police Station, Bengaluru City, for the offences punishable under Section 498A, 323, 506 r/w 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961 currently pending on the file of Chief Metropolitan Magistrate, Bengaluru, are hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

GPG
List No.: 1 Sl No.: 9